

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
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)	
Improving Wireless Emergency Alerts and)	PS Docket No. 15-91
Community-Initiated Alerting)	
)	
Amendments to Part 11 of the)	PS Docket No. 15-94
Commission's Rules Regarding the)	
Emergency Alert System)	

COMMENTS OF VERIZON

The *Further Notice* proposes to deviate from the Commission's technology-neutral approach to wireless emergency alerts by expanding the attestation requirements on carriers. But existing requirements already inform consumers whether a carrier's services and devices support alert capabilities, which is what Congress intended and what consumers want and need to know. The *Further Notice* also proposes new capability requirements related to multimedia messaging, device-level geo-targeting, "many to one" communications, and earthquake alerts that are not yet feasible and are dependent on factors outside of service providers' control. The Commission should retain existing attestation requirements to avoid consumer confusion, and defer consideration of additional alerting capabilities pending stakeholder efforts to address the significant technical challenges.

I. ATTESTATION REQUIREMENTS SHOULD REMAIN TECHNOLOGY NEUTRAL AND OUTCOME-ORIENTED TO AVOID CONSUMER CONFUSION.

The *Further Notice* contemplates unnecessarily micro-managing how carriers attest to and disclose the alerting capabilities of their networks and devices. For example, to determine

whether a carrier delivers wireless emergency alerts “in whole” or “in part,” the *Further Notice* asks whether a wireless provider is already attesting that it “us[es] all available network technologies.”¹ But that would miss the point. If carriers deliver wireless emergency alerts ubiquitously across their coverage areas to all the handset models their customers use, they participate in the program “in whole.” The *Further Notice* suggests, however, that if those same providers deliver alerts ubiquitously via their cellular/broadband PCS and 700 MHz LTE networks, but one of them does not also use its supplemental AWS or 5G spectrum for alerts, then the latter is only delivering alerts “in part.” This would make no sense; all of their customers enjoy the same access to alerts and should file the same attestation.

Otherwise, consumers will be confused because the different attestations would inaccurately imply material differences between competing providers’ alerting capabilities. The *Further Notice*’s clarifying formulation that “in whole” WEA participation entails a provider’s compliance “in the entirety of [its] geographic service area and to all devices on [its] network,” with anything short of that deemed participation “in part,”² meets the WARN Act’s requirements and should remain.³

¹ *Improving Wireless Emergency Alerts and Community-Initiated Alerting, Amendments to Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd. 11112, ¶ 109 (2016) (“*Further Notice*”); see also *id.* ¶ 108 (similar questions on device capabilities).

² *Id.* ¶ 106.

³ See *The Commercial Mobile Alert System*, Third Report and Order, 23 FCC Rcd. 12561, ¶ 32 (2008) (“substantial administrative and technical burdens on providers [would be] inconsistent with the voluntary nature of the CMAS program.”).

II. NEW NETWORK AND DEVICE ALERTING CAPABILITIES ARE PREMATURE.

The *Further Notice* proposes several new network- and device-level capabilities that warrant further study or that the recently-adopted rules could render moot. In addition, Congress recently gave FEMA the primary role in updating and coordinating the Federal government's various emergency alerting systems, and directed a broad cross-section of stakeholders to issue collaborative recommendations on much of the subject matter covered in the *Further Notice*.⁴ Congress preserved the Commission's WARN Act authority, but FEMA's overlapping efforts will add important perspective to several of these *Further Notice* proposals. Meaningful comment on the Commission's proposals will be possible once FEMA's parallel effort (and CSRIC V's recommended actions) have made significant progress, but a few proposals in the *Further Notice* warrant some initial cautionary notes.

Earthquake Alerts. A three-second maximum end-to-end delivery period for "earthquake-related Alert Messages" and related events is infeasible, much less within 30 months.⁵ But the WEA system is not even the appropriate platform to deliver such alerts; ATIS recently initiated an effort to develop appropriate standards and specifications for earthquake-

⁴ Integrated Public Alert and Warning System Modernization Act of 2015, Pub. L. 114-143, §§ 2(a)-(b) (2016); Department of Homeland Security, Federal Emergency Management Agency, *FEMA National Advisory Council (NAC)-Integrated Public Alert and Warning System (IPAWS) Subcommittee*, Docket ID: FEMA-2007-0008, 81 Fed. Reg. 63490 (Sept. 15, 2016).

⁵ *Further Notice* ¶ 120; see CTIA Comments, PS Docket No. 16-32, at 4-9 (May 9, 2016); AT&T Comments, PS Docket No. 16-32, at 3-4 (May 9, 2016); ATIS Reply Comments, PS Docket No. 16-32, at 5; Verizon *Ex Parte* Letter, PS Docket No. 16-32, at 1 (July 11, 2016).

related alerts to be delivered through an alternate stand-alone system.⁶ The Commission should defer to those efforts.⁷

Multimedia. The proposal that alerts “support the transmission of hazard symbols and thumbnail-sized photos”⁸ should remain on hold until stakeholders and consumers have real experience with the additional information that can be provided via 360-character alerts and embedded references. This capability is technically infeasible through the Broadcast SMS method used for wireless emergency alerts today, so any new rule would have to be limited “to devices operating on 4G LTE and future networks.” But the “network congestion mitigation strategies” needed to prevent loss of network capacity and blocking – on the part of alert originators as well as service providers – should be left to standards and best practice efforts independent of the Commission’s rules. Finally, LTE-based “evolved Multimedia Broadcast Multicast Service” is not a panacea; it will not be commercially viable across a service provider’s coverage area for the foreseeable future, and will require careful management of network congestion even without the added burden of handling high-volume multimedia alerts.

Device-Level Geo-targeting. The *Further Notice* proposes to tighten the new “best approximate” geo-targeting standard with a requirement to “match” the alert originator’s

⁶ ATIS Press Release, *ATIS Advances Earthquake Early Warning System* (June 30, 2016), at <http://campaign.r20.constantcontact.com/render?m=1119303485487&ca=c440bd74-802f-4bb0-8c95-b9f02896f529>.

⁷ See ATIS, *Feasibility Study for Earthquake Early Warning System*, ATIS-0700020 (July 2015). The 5-7 year implementation period described in ATIS’s 2015 Feasibility Study for an alternate stand-alone system remains a reasonable estimate at this time, particularly given that end-to-end implementation would require new alert originator capabilities outside of the wireless network and device that are beyond service providers’ control.

⁸ See *Further Notice* ¶¶ 126-31.

designated area.⁹ It is premature to determine what degree of precision is appropriate, much less a fixed deadline, because standards, technical specifications and the feasibility of particular approaches all will be the subject of stakeholder efforts arising out of the CSRIC V recommendations.¹⁰ In any case, the Commission should maintain a policy of technology neutrality and avoid rules that, for example, would favor a particular device-based approach, or favor device-based over network-based solutions.

“Many to One”. The *Further Notice* asks a number of questions on “enhanc[ing] WEA’s support for many-back-to-one communication to facilitate emergency managers’ response planning efforts” and enabling wireless emergency alerts “to interface other authoritative sources of information.”¹¹ CSRIC V recently issued a number of recommendations on this subject, which generally focused on enhancing FEMA’s “IPAWS” functions and other non-regulatory measures independent of the WEA program.¹² And requiring interface with other sources of information would extend to other alerting and social media platforms – areas that Congress directed FEMA to address, and which CSRIC V recommended be examined more fully in a non-regulatory context.

⁹ *See id.* ¶¶ 138-45.

¹⁰ CSRIC V, Working Group 2, *Wireless Emergency Alerts – Recommendations to Improve Geo-Targeting and Offer Many-to-One Capabilities*, Final Report & Recommendations (Sept. 2016) (“WG2 Geo-Targeting/Many-to-One Report”).

¹¹ *Further Notice* ¶¶ 123-125.

¹² WG2 Geo-Targeting/Many-to-One Report; CSRIC V, Working Group 2, *Social Media & Complementary Alerting Methods – Recommended Strategies & Best Practices*, Final Report & Recommendations (Sept. 2016).

III. CONCLUSION.

The Commission should maintain a simple and technology-neutral WEA attestation format. And it should defer considering other capability mandates until FEMA, CSRIC V and other stakeholder efforts have made enough progress to enable meaningful comment.

Respectfully submitted,

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